

Message Text

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64/21

ACTION EA-09

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R 090815Z AUG 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8611

INFO SECDEF WASHDC

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CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL SUBIC

HMIAAA/CG 13TH AF CLARK

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 11826

CINCPAC ALSO FOR POLAD

FROM USDEL 186

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS:

ARTICLES III, IV AND V

REF: A. STATE 195885, DTG 062222Z AUG76

B. MANILA 11692, USDEL 180,

1. FOLLOWING IS COMPLETE TEXT OF AD REFERENDUM ARTICLES III, IV AND V (COMMAND, SECURITY, AND ADMINISTRATION), WITH BRACKETS IDENTIFYING AREAS NOT YET AGREED, AS REQUESTED REF A.

QUOTE: ARTICLE 888

COMMAND

1. THE BASES COVERED BY THIS AGREEMENT ARE PHILIPPINE
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MILITARY BASES. THESE BASES SHALL BE UNDER THE COMMAND

OF PHILIPPINE BASE COMMANDERS. ONLY THE PHILIPPINE FLAG SHALL BE FLOWN SINGLY AT THE BASES. THE UNITED STATES FLAG, TOGETHER WITH THE PHILIPPINE FLAG WHICH SHALL AT ALL TIMES OCCUPY THE PLACE OF HONOR, MAY BE DISPLAYED WITHIN BUILDINGS AND OTHER INDOOR SITES AT THE FACILITIES, AND IN FRONT OF THE HEADQUARTERS OF THE UNITED STATES FACILITIES COMMANDER AND, UPON COORDINATION WITH THE PHILIPPINE BASE COMMANDER, FOR APPROPRIATE OUTDOOR CEREMONIES SUCH AS MILITARY HONORS AND PARADES ON THE FACILITIES. SHIPS AND AIRCRAFT MAY USE NATIONAL FLAGS AND INSIGNIA OF COMMAND, WHILE VEHICLES MAY USE INSIGNIA OF COMMAND, AS PRESCRIBED BY REGULATION.

2. THE UNITED STATES FACILITIES COMMANDER SHALL EXERCISE COMMAND AND CONTROL OVER UNITED STATES MILITARY PERSONNEL AND CIVILIAN PERSONNEL IN THE EMPLOY OF THE UNITED STATES FORCES, OVER UNITED STATES EQUIPMENT AND MATERIAL, OVER MILITARY OPERATIONS INVOLVING UNITED STATES FORCES, AND OVER THE FACILITIES.

3. THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES FACILITIES COMMANDER SHALL BE GUIDED BY FULL RESPECT FOR PHILIPPINE SOVEREIGNTY ON THE ONE HAND AND THE ASSURANCE OF UNHAMPERED UNITED STATES MILITARY OPERATIONS ON THE OTHER. THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES FACILITIES COMMANDER SHALL MAINTAIN CLOSE CONTACT AND COORDINATION TO ENSURE THAT THE ACTIVITIES OF PHILIPPINE AND UNITED STATES FORCES WITHIN THE BASE ARE CONDUCTED IN A MANNER CONSISTENT WITH THE PROVISIONS OF THIS AGREEMENT.

4. IN THE PERFORMANCE OF THEIR DUTIES AND RESPONSIBILITIES UNDER THIS AGREEMENT, THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES FACILITIES COMMANDER SHALL CREATE SUCH BODIES, OFFICES, AGENCIES, OR INSTRUMENTALITIES AS MAY BE NECESSARY TO ASSIST IN THE FORMULATION AND COORDINATION OF JOINT PLANS AND POLICIES ON SECURITY, ADMINISTRATION, MAINTENANCE OF ORDER AND RELATED MATTERS.

5. THE PHILIPPINE BASE COMMANDER, IN THE IMPLEMENTATION OF JOINTLY AGREED PLANS AND POLICIES, SHALL ISSUE APPROPRIATE DIRECTIVES (US: TO PHILIPPINE FORCES) APPLICABLE THROUGHOUT THE BASE RELATING TO SECURITY, ADMINISTRATION, MAINTENANCE OF ORDER, AND SUCH OTHER MATTERS AS MAY BE NECESSARY FOR THE PROPER IMPLEMENTATION OF THIS AGREEMENT. THE UNITED STATES FACILITIES COMMANDER SHALL LIKEWISE ISSUE DIRECTIVES TO UNITED STATES FORCES TO IMPLEMENT SUCH JOINTLY AGREED PLANS AND POLICIES APPLICABLE TO THE

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TATION OF JOINTLY AGREED PLANS AND POLICIES, SHALL ISSUE APPROPRIATE DIRECTIVES (US: TO PHILIPPINE FORCES) APPLICABLE THROUGHOUT THE BASE RELATING TO SECURITY, ADMINISTRATION, MAINTENANCE OF ORDER, AND SUCH OTHER MATTERS AS MAY BE NECESSARY FOR THE PROPER IMPLEMENTATION OF THIS AGREEMENT. THE UNITED STATES FACILITIES COMMANDER SHALL LIKEWISE ISSUE DIRECTIVES TO UNITED STATES FORCES TO IMPLEMENT SUCH JOINTLY AGREED PLANS AND POLICIES APPLICABLE TO THE

FACILITIES. (US: ADDITIONALLY, THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES FACILITIES COMMANDER SHALL JOINTLY ISSUE APPROPRIATE DIRECTIVES APPLICABLE TO ALL PERSONNEL THROUGHOUT THE BASE AS MAY BE NECESSARY FOR THE PROPER IMPLEMENTATION OF THIS AGREEMENT.)

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 OMB-01 /057 W

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6. EXCEPT AS OTHERWISE PROVIDED IN THIS AGREEMENT, TO THE EXTENT THAT A MATTER OF ISSUE CONCERNS DEALINGS BY OR WITH PHILIPPINE AUTHORITIES RELATING TO THE RESPONSIBILITY OF THE PHILIPPINES WITH RESPECT TO THE ADMINISTRATION, SECURITY, OPERATIONS AND CONTROL OF THE BASE, THE PHILIPPINE BASE COMMANDER OR HIS DULY DESIGNATED REPRESENTATIVE SHALL FUNCTION AS THE POINT OF CONTACT. SIMILARLY, THE UNITED STATES FACILITIES COMMANDER OR HIS DULY DESIGNATED REPRESENTATIVE SHALL BE THE POINT OF CONTACT ON MATTERS OR ISSUES RELATING TO THE UNITED STATES FORCES, (RP: UNITED STATES PERSONNEL,) (US: MEMBERS OF THE UNITED STATES FORCES, MEMBERS OF THE CIVILIAN COMPONENT, AND

THEIR DEPENDENTS) AND ON MATTERS OR ISSUES RELATING TO
THE FACILITIES OR UNITED STATES EQUIPMENT OR MATERIAL.

ARTICLE IV
SECURITY

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1. THE PHILIPPINES, THROUGH ITS DESIGNATED REPRESENTATIVE, THE PHILIPPINE BASE COMMANDER, SHALL BE RESPONSIBLE FOR, AND BEAR THE COST OF, THE SECURITY OF EACH BASE.

2. THE UNITED STATES, THROUGH ITS DESIGNATED REPRESENTATIVE, THE UNITED STATES FACILITIES COMMANDER, SHALL BE RESPONSIBLE FOR, AND BEAR THE COST OF, THE SECURITY OF THE FACILITIES, AND THE CONTROL, SUPERVISION AND PROTECTION OF ITS PERSONNEL, EQUIPMENT AND MATERIAL.

3. (RP: THE PHILIPPINE BASE COMMANDER SHALL BE RESPONSIBLE FOR THE SECURITY OF ACCESS CONTROL POINTS AND FOR THE USE OF ROAD PATROLS WITHIN AND OFF THE BASE. THE UNITED STATES FACILITIES COMMANDER MAY PARTICIPATE IN THE SECURITY ACTIVITIES IN ACCORDANCE WITH AGREED JOINT PROCEDURES.) (US: THE JOINT SECURITY PLAN DEVELOPED PURSUANT TO PARAGRAOH 4 AND 5 OF ARTICLE III WILL INCLUDE, INTER ALIA, PROVISIONS FOR PARTICIPATION BY MEMBERS OF THE UNITED STATES FORCES IN SECURITY AT ENTRANCES AND EXITS OF THE BASE, FOR PARTICIPATION BY MEMBERS OF THE PHILIPPINE FORCES IN ACTIVITIES SUCH AS ROAD PATROLS WITHIN THE FACILITIES, AND FOR OTHER SECURITY ACTIVITIES SUCH AS THE USE OF SHORE PATROL/AFP/TOWN PATROL.)

4. THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES FACILITIES COMMANDER SHALL COOPERATE IN THE PREVENTION AND CONTROL OF DRUG ABUSE, AND TRAFFICKING IN DANGEROUS DRUGS AND OTHER CONTRABAND WITHIN THE BASE.

5. THE OPERATION OF AMATEUR RADIO TRANSMITTERS OR TRANSCEIVERS FOR PURPOSES OTHER THAN OFFICIAL MILITARY USE BY ANY PERSON IN THE BASE SHALL BE IN ACCORDANCE WITH PHILIPPINE LAWS, RULES AND REGULATIONS, OR AS OTHERWISE AGREED.

6. (RP: THE PHILIPPINES MAY, IF ITS NATIONAL SECURITY SO DICTATES, TAKE OVER THE OPERATION AND ADMINISTRATION OF THE FACILITIES.)

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ARTICLE V
ADMINISTRATION

1. RULES AND REGULATIONS PROMULGATED BY THE UNITED STATES FACILITIES COMMANDER FOR THE ADMINISTRATION OF THE FACILITIES IN THE IMPLEMENTATION OF THIS AGREEMENT SHALL BE COORDINATED WITH THE PHILIPPINE BASE COMMANDER.

2. THE PHILIPPINES SHALL STATION OFFICIALS FROM CERTAIN DEPARTMENTS AND AGENCIES OF THE PHILIPPINE GOVERNMENT, SUCH AS CUSTOMS, INTERNAL REVENUE AND IMMIGRATION, AT THE FACILITIES SUFFICIENT IN NUMBER TO EXPEDITIOUSLY AND EFFICIENTLY DISCHARGE THEIR FUNCTIONS. THE NUMBER OF SUCH OFFICIALS AND APPROPRIATE ADMINISTRATIVE ARRANGEMENTS WILL BE AGREED UPON BETWEEN THE PHILIPPINE BASE COMMANDER AND THE UNITED STATES FACILITIES COMMANDER. THE STATIONING OF SUCH OFFICIALS AT THE FACILITIES SHALL BE AT NO COST TO THE UNITED STATES, EXCEPT AS OTHERWISE PROVIDED IN THIS AGREEMENT OR AS OTHERWISE AGREED.

END QUOTE.

2. REQUEST CONFIRMATION ASAP THAT ABOVE TEXT, WHICH INCORPORATES CHANGES REPORTED REF B, HAS WASHINGTON APPROVAL.
SULLIVAN

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